



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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February 1, 1999

Kent E. Walter
Acting Field Manager
BLM Monticello Field Office
P.O. Box 7
Monticello, Utah 84535

Re: Acceptance of Notice of Intention to Commence Small Mining Operations, David Kimmerle, Cottonwood #4 Project, S/037/111 (UTU-74614), San Juan County, Utah

Dear Mr. Walter:

Thank you for forwarding the Notice submission for David Kimmerle's, Cottonwood #4 Project, located in NE 1/4 SE 1/4 Section 4, T37S, R21E, San Juan County, Utah. Your agency's designated number for this project is UTU-74614. The submission received by the Division on January 22, 1999, included the following: a cover letter, a completed Division Form MR-SMO, a compliance inspection report, and a series of three site maps.

Division records list an exploration project under file E/037/074 for this same location with Mr. Kimmerle as the operator. This Division exploration file contains correspondence to Mr. Kimmerle from the BLM and does not include an original notice. This exploration file did include a Notice of Noncompliance (NON) issued to Mr. Kimmerle by the BLM. According to recent telephone conversations with Ted McDougall of the Monticello BLM, Mr. Kimmerle has performed the work necessary to resolve the BLM NON, and this exploration project file can be closed. The Division will apply the \$100 fee received from Mr. Kimmerle for the exploration file to this new small mine notice under Division file S/037/111.

The Division has evaluated the submission under the Small Mining Operation section of our Rules. With the exception of several clarifications regarding the variance requests, this submission does meet the information requirements of Rule R647-3 of the 1988 Division of Oil, Gas and Mining Minerals Rules, and Title 40-8, et seq., of the Utah Mined Land Reclamation Act of 1975. No further information is required from the operator.

This notice included variance requests for items 5, 7, 10, and 12 of the Operations and Reclamation Practices listed on the Division's MR-SMO form. The justification provided by Mr. Kimmerle for each variance was that this mine site was previously disturbed. Each of these variance requests is discussed separately below.

Item 5 addresses the removal, isolation or neutralization of toxic materials in accordance with federal and state regulations. **The Division will not grant a variance to this practice for the**

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proposed operation. The Division does acknowledge the pre-existing disturbances in the project vicinity as shown on the three site maps prepared by the BLM. **The operator is not considered responsible for pre-existing toxic materials associated with these existing disturbances unless these materials are utilized or impacted by the proposed operations.**

Item 7 addresses the disposal of trash, scrap metal, wood, machinery and buildings. **The Division will not grant a variance to this practice for the proposed operation.** The Division does acknowledge the pre-existing structures and debris in the project vicinity as shown on the three site maps prepared by the BLM. **The operator is not considered responsible for disposal of these pre-existing structures or debris unless these features are utilized or impacted by the proposed operations.**

Item 10 addresses the requirement for stockpiling topsoil and suitable overburden prior to mining. **The Division will grant a variance for topsoil salvaging and stockpiling for pre-existing disturbed areas which will be reimpacted by the proposed operations as shown on the BLM site maps.** The operator would not be required to salvage soils from these previously disturbed areas. Also, the operator would not be required to borrow soil from other areas for use in reclamation of these previously disturbed areas. **Undisturbed areas which are impacted by these operations will be subject to the topsoil salvage and stockpiling requirement.**

Item 12 addresses the preparation of a seedbed by ripping, discing or harrowing. **The Division will not grant a variance from these reclamation practices for this proposed project area with the exception of the waste rock dumps. The Division will not require ripping, discing or harrowing of waste rock dumps.** All other disturbed areas will require some seedbed preparation. The waste rock dumps will need to be regraded as part of final reclamation.

It is understood that the Division will notify your office of any permitting concerns we may have, and in turn, your office, acting as 'Lead Agency' will notify the operator accordingly. Please forward the above mentioned comments to Mr. Kimmerle in your response.

Please provide us with a copy of your final completeness/approval letter to the operator. In addition, if you receive additional information or amendments for this operation, please notify us so we can update our files. Please reference our designated file number S/037/111 when forwarding additional information on this project to us.

Sincerely,



Anthony A. Gallegos
Senior Reclamation Specialist

jb
cc: Roger L. Bon, UGS
David Kimmerle, Operator
Tracking File
s37-111.noi *8/037/079 file*